

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 4/2/2018 8:16:11 PM
To: Block, Molly [block.molly@epa.gov]
Subject: Afternoon Energy: Rollin' out rollbacks — Where did that come from? — Trade war

By Garrett Ross and David Beavers | 04/02/2018 04:14 PM EDT

With help from Kelsey Tamborrino

ROLLIN' OUT ROLLBACKS: EPA is set to revise Obama-era auto emissions regulations, Pro's Alex Guillén and Emily Holden report. The changes "will ensure that auto-manufacturers can make cars that consumers both want and can afford. They will also treat all advanced vehicle technologies the same, including the potential natural gas vehicles and the role of high-octane fuels," according to an email sent by Tate Bennett, associate administrator for public engagement and environmental education, this morning to supportive groups outside the agency. EPA Administrator Scott Pruitt is expected to formally announce the decision on Tuesday. Pruitt's determination triggers a new round of notice-and-comment rulemaking to revise the standards for 2022-2025 model year cars and light trucks. A proposal describing the changes could come as soon as this summer, but the timeline is still unclear. Read more [here](#).

In announcing the decision today, Pruitt said that he will put pressure on California to fall in line with federal auto emissions regulations, though he held off on revoking the state's waiver to enforce the standards, Alex reports. "Cooperative federalism doesn't mean that one state can dictate standards for the rest of the country," Pruitt said in a press release. California regulators have indicated they are unlikely to agree to any changes to the program unless EPA agrees to issue standards continuing to require more efficient vehicles for model years 2026-2030.

Pruitt also took the opportunity to slam the Obama administration, which he said was "wrong" in its determination on the issue. "Obama's EPA cut the midterm evaluation process short with politically charged expediency, made assumptions about the standards that didn't comport with reality and set the standards too high," Pruitt said. Read more from Alex [here](#).

Welcome to Afternoon Energy! We're your hosts Garrett Ross and David Beavers. Send suggestions, news and tips to gross@politico.com, dbeavers@politico.com, mdaily@politico.com and njuliano@politico.com, and keep up with us on Twitter at [@garrett_ross](https://twitter.com/garrett_ross), [@davidabeavers](https://twitter.com/davidabeavers), [@dailym1](https://twitter.com/dailym1), [@nickjuliano](https://twitter.com/nickjuliano), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

WHERE DID THAT COME FROM? A PAC with ties to Interior Secretary Ryan Zinke is facing increased scrutiny from the FEC over previously unreported contributions from the first six months of 2017, Pro's Ben Lefebvre reports. The committee in question, SEAL PAC, was headed by Vincent DeVito, an Interior spokesman, during most of the period. The discrepancy — of \$600,000 — is large enough that the FEC will almost certainly launch a more thorough investigation, said Brett Kappel, a partner at Akerman LLP and expert in campaign finance law.

It's the second time in six months that FEC has asked SEAL PAC about a discrepancy in its books while DeVito was treasurer. In November, regulators asked the PAC [to account](#) for \$200,000 in cash on hand that suddenly appeared on its books between Dec. 31, 2016, and Jan. 1, 2017. SEAL PAC was started by Zinke when he was elected to Congress in 2014, but he disaffiliated himself from the group after joining Trump's Cabinet last year. Read more [here](#).

TRADE WAR: In retaliation for President Donald Trump's tariffs on imported steel and aluminum, China starting today is moving forward with a plan to levy duties on 128 U.S. products worth more than \$3 billion in exports, Pro's Megan Cassella reported Sunday night. According to Reuters, U.S. ethanol will be among the products slapped with an additional 15 percent tariff. The existing 30 percent duty, in place since January 2017, had already slowed the flow of U.S. ethanol to China, which is working to meet the government target of 10 percent ethanol in gasoline by 2020. The new tariffs will boost the cost of U.S. imports on par with domestic prices, analysts told Reuters. Read more here.

A WIN FOR SALMON: The 9th Circuit Court of Appeals has ruled that controversial dam operations on the Columbia and Snake rivers must forgo hydropower production during key times of the year in order to protect endangered salmon, Pro's Annie Snider reports. The ruling sides with the state of Oregon, the Nez Perce tribe and nearly a dozen conservation groups. It upholds a lower court's decision requiring that water be spilled over the top of dams along the Columbia River System — including the powerhouse Grand Coulee dam, the largest power station in the U.S. — during periods when young salmon and steelhead migrate to the ocean. The DOJ argued that requiring such operations would cause electricity rates to spike and could threaten grid reliability. Unless the decision is successfully appealed, the federal agencies will need to release water over the top of dams beginning this spring. Read more from Annie here.

GREENPEACE HITS FORD IN AD: Greenpeace USA is turning up the heat on Ford Motor Co. to put the brakes on its efforts to roll back clean fuel standards. Following increased pressure from industry groups for EPA to roll back CAFE standards, Greenpeace released a satirical video today depicting a fictional car, the "Ford Future," that is outfitted with particle masks, which Greenpeace says is meant to show the detriments that could come to the environment if Ford and the Auto Alliance "continues to undermine clean car standards." In a press release touting the video, Greenpeace pointed to the efforts by industry groups led by the Koch brothers in pressing for EPA to revoke the California waiver from the Clean Air Act. See the ad here.

TRUMP'S FAVORITE LOBBYIST: Only one year after Brian Ballard, Donald Trump's Florida finance chairman and one of his top fundraisers during the campaign, signed a lease to open a Washington office for his longtime, eponymous Florida lobbying firm, he had to move into a new space to accommodate all the new staff he's hired. Theodor Meyer profiles the Trump whisperer for POLITICO Magazine: "Ballard is a veteran Florida lobbyist who's been in Washington for barely a year — the blink of an eye in an industry in which many of the top practitioners have spent decades inside the Beltway. But Ballard is closer to the president than perhaps any other lobbyist in town.

"He's parlayed that relationship into a booming business helping clients get their way with the Trump administration — and his clients and even some of his rivals say his firm has a better grasp of what's going on in the West Wing than almost anyone else on K Street." Among Ballard's clients are Sunrun and Vivint Solar; Florida Power & Light, a subsidiary of NextEra Energy Inc.; and APR Energy, a Jacksonville, Fla.-based mobile turbine provider. He was also involved in the lobbying efforts on behalf of foreign solar panel companies when the Trump administration was weighing whether to impose tariffs on the devices. Read more here.

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EPA will revise Obama-era auto standards [Back](#)

By Alex Guillén and Emily Holden | 04/02/2018 02:15 PM EDT

EPA will revise auto emissions regulations set by the Obama administration, according to a set of agency talking points reviewed by POLITICO.

"Based on EPA's review and analysis of the comments and information received, and the Agency's own analysis, the Administrator believes that the current GHG emission standards for MY 2022-2025 light-duty vehicles are not appropriate and should be revised," Tate Bennett, associate administrator for public engagement and environmental education, wrote in an email this morning to supportive groups outside the agency.

The changes "will ensure that auto-manufacturers can make cars that consumers both want and can afford," Bennett's email said. "They will also treat all advanced vehicle technologies the same, including the potential natural gas vehicles and the role of high-octane fuels."

The move was widely expected following automakers' request for the Trump administration revisit the rules.

Those opposed to changing the standards, including California regulators and environmentalists who helped create the original rules, say weakening them will cost consumers more in the long run because of higher fuel usage. California is authorized to enforce higher standards inside its borders and in a dozen other states, raising the threat of automakers facing two sets of requirements.

Standards for model year 2022-2025 vehicles were set by a 2012 rule that also directed EPA to conduct a "midterm" review. In the event automakers would not be able to reach those later standards, EPA could revise them.

EPA Administrator Scott Pruitt is expected to formally announce the decision on Tuesday.

WHAT'S NEXT: Pruitt's determination triggers a new round of notice-and-comment rulemaking to revise the standards for 2022-2025 model year cars and light trucks. A proposal describing the changes could come as soon as this summer, but the timeline is still unclear.

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Pruitt: California can't 'dictate' car rules [Back](#)

By Alex Guillén | 04/02/2018 02:53 PM EDT

EPA Administrator Scott Pruitt today stopped short of announcing plans to revoke California's waiver to enforce more stringent auto emissions standards, but indicated he will pressure the state to fall in line behind federal rules.

"Cooperative federalism doesn't mean that one state can dictate standards for the rest of the country," Pruitt said in a press release formally announcing his [decision](#) to revise rules for model year 2022-2025 vehicles.

"EPA will set a national standard for greenhouse gas emissions that allows auto manufacturers to make cars that people both want and can afford — while still expanding environmental and safety benefits of newer cars," Pruitt continued. "It is in America's best interest to have a national standard, and we look forward to partnering with all states, including California, as we work to finalize that standard."

California regulators have indicated they are unlikely to agree to any changes to the program unless EPA agrees to issue standards continuing to require more efficient vehicles for model years 2026-2030.

Pruitt also took a swipe at the Obama administration, which in its own January 2017 determination [said](#) the current rules were achievable.

"The Obama EPA's determination was wrong," Pruitt said. "Obama's EPA cut the midterm evaluation process short with politically charged expediency, made assumptions about the standards that didn't comport with reality and set the standards too high."

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FEC probes discrepancies at former Zinke PAC [Back](#)

By Ben Lefebvre | 11/21/2017 04:50 PM EDT

The Federal Election Commission is asking a leadership PAC previously affiliated with Interior Secretary Ryan Zinke to provide more details about its direct mail spending and to account for a \$200,000 discrepancy in its account, among other issues in its most recent campaign finance report.

SEAL PAC, which Zinke launched after winning his first congressional race in 2014, has until Dec. 26 to address the issues identified by the FEC, according to a request sent Monday. The FEC also asks about incomplete information related to some donors, excess contributions and potentially misclassified spending, some of which occurred after Zinke's affiliation with the leadership PAC ended when he joined President Donald Trump's Cabinet in March.

When Zinke was in Congress, SEAL PAC raised most of its money from small-dollar donors and funneled it back to a handful of [political operatives](#) who have drawn criticism from other GOP candidates. That approach made it unusual among leadership PACs, which typically rely on large contributions and lawmakers use to spread donations among allied politicians.

In Monday's letter, the FEC asked SEAL PAC to further explain the money it spent on direct mail and related activities, which are responsible for the vast majority of the PAC's \$1 million in operating expenses so far this year. Most of the money was spent after Zinke left, but the committee relied on the same consultants it used in previous years.

The FEC also wants SEAL PAC to explain how its bank account nearly doubled in size on New Year's Day.

According to SEAL PAC's report covering the first six months of this year, it had \$408,882 in the bank on Jan. 1. But it reported having just \$215,633 cash on hand a day earlier, on Dec. 31, 2016, in its previous year-end report.

Vincent DeVito, who now works at Interior advising Zinke on energy policy, was SEAL PAC's treasurer until Zinke appointed him to his new position in May. DeVito signed the 2016 campaign finance report, which was updated several times, most recently on April 27.

SEAL PAC's current treasurer Barbara Lazaris did not respond to a call for comment. Interior spokeswoman Heather Swift said the department could not answer campaign-related questions.

The FEC also asked SEAL PAC to provide more information on contributions from two individuals who gave more than the \$5,000 contribution limit per election cycle. Most of those donations came in after Zinke had left.

The PAC also reported giving \$10,000 each to congressional campaigns run by GOP Reps. Jim Banks of Indiana and Scott Taylor of Virginia, double the legal limit. Both contributions were reported June 29.

"Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration," the FEC wrote.

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FEC increases scrutiny of Zinke's former PAC [Back](#)

By Ben Lefebvre | 04/02/2018 02:09 PM EDT

The Federal Election Commission is asking a leadership PAC previously affiliated with Interior Secretary Ryan Zinke to account for more than \$600,000 of previously unreported contributions from the first six months of 2017.

For most of the period in question, the committee, SEAL PAC, was overseen by Vincent DeVito, who is now a top aide to Zinke at the Interior Department, and this is the second time federal regulators have looked into discrepancies during his tenure. Zinke launched SEAL PAC when he was elected to Congress in 2014 and disaffiliated himself from the group after being selected to join President Donald Trump's Cabinet; DeVito was listed as the group's treasurer until May, when he too joined the administration.

An Interior Department spokeswoman referred questions to the PAC. DeVito and SEAL PAC's current treasurer did not immediately respond to requests for comment Monday.

The \$600,000 discrepancy is large enough that the FEC will almost certainly launch a more thorough investigation, said Brett Kappel, a partner at Akerman LLP and expert in campaign finance law.

"Discrepancies of more than \$100,000 in a PAC's contributions or expenditures are generally referred to the FEC's Enforcement Division for an investigation," Kappel said.

SEAL PAC in January filed an amended FEC report that showed it raised just over \$1 million over the first six months of the prior year — an increase of \$607,776 compared with its original report on the first half of 2017. About 90 percent of that increase came from donors who gave less than \$200 apiece and did not have to disclose their names.

In a letter Sunday, the FEC asked SEAL PAC to "provide clarifying information as to why this activity was not disclosed on your original report." The FEC asked for a reply by May 7.

This is the second time in recent months the FEC has asked SEAL PAC about a discrepancy in its books while DeVito was treasurer. In November, regulators asked the PAC to account for \$200,000 in cash on hand that suddenly appeared on its books between Dec. 31, 2016, and Jan. 1, 2017.

In a separate letter Sunday, the FEC asked for more information on 20 donors whose employment information it deemed inadequate on SEAL PAC's campaign finance report covering the second half of 2017, after DeVito had left the group.

Zinke formed SEAL PAC days before his November 2014 election to Montana's lone congressional seat. He ended his affiliation with it to join Trump's Cabinet in March 2017. DeVito is now counselor to the secretary for energy policy, a newly created advisory position, and also running the department's energy royalty policy committee.

During Zinke's and DeVito's time with SEAL PAC, the group raised most of its money from small-dollar donors and funneled it back to a handful of D.C.-based political operatives who have drawn criticism from other GOP candidates. That made it unusual among leadership PACs, which typically rely on large contributions and spread donations among allied politicians.

More recently, government watchdog group Campaign Legal Center in February called on the FEC to investigate Zinke's appearance at a March 2017 fundraiser in the Virgin Islands for a separate PAC connected to many of the same operatives. The money raised at the event has still not shown up in campaign finance filings. An FEC spokesman said he could not comment on whether an investigation into the fundraiser was underway.

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China to retaliate with tariffs on 128 U.S. products beginning Monday [Back](#)

By Megan Cassella | 04/01/2018 08:49 PM EDT

China is moving forward with its plan to counter President Donald Trump's new tariffs on steel and aluminum, levying duties that will take effect Monday on more than \$3 billion in U.S. exports to the country.

In a statement Sunday, the Chinese government said it would impose the retaliatory tariffs on 128 products, according to an informal translation.

China will impose a 15 percent tariff increase on goods including American fruit and nuts and add a 25 percent tariff on pork, recycled aluminum and other goods, the government said.

The move to impose the duties comes just over a week after the Chinese Commerce ministry had announced it was considering tariffs on the goods. Just over a week later, those tariffs are taking effect.

The move is expected to lead to escalating tensions between the two large trading nations, leading many to worry that American farmers will be casualties in a tit-for-tat trade war.

The U.S. shipped more than \$1 billion of pork products to China last year, making it the No. 3 destination for exports after Japan and Mexico. The U.S. was China's top supplier of apples, cherries, walnuts and almonds.

Beijing argued in the statement Sunday that it would be imposing the duties "in order to safeguard China's interests and balance the losses caused by" the steel and aluminum tariffs, which took effect late last month.

It will move forward with the retaliatory measures under the World Trade Organization's safeguards agreement, which allows a country, after a period of consultation, to put in place tariffs to compensate for another country's export restrictions.

While the Trump administration has said the steel and aluminum tariffs are necessary to protect national security, Beijing rejected that argument in its statement and said they ran afoul of WTO rules.

China's responses, meanwhile, are "legitimate measures ... to use the rules of the World Trade Organization and safeguard its interests," the statement said.

More tariffs between the two countries are possible in the near future. In March, Trump unveiled another set of tariffs, which specifically target some \$60 billion in Chinese exports in response to what the White House has described as policies that force American tech companies to cough up intellectual property in order to access the Chinese market.

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Court chooses salmon over hydropower in Columbia River fight [Back](#)

By Annie Snider | 04/02/2018 02:34 PM EDT

The 9th Circuit Court of Appeals has sided with the state of Oregon, the Nez Perce tribe and nearly a dozen conservation groups, ruling that hotly contested dam operations on the Columbia and Snake Rivers must forgo hydropower production during key times of the year in order to protect endangered salmon.

The three-judge panel upheld a lower court's decision requiring that water be spilled over the top of dams along the Columbia River System, including the powerhouse Grand Coulee dam, the largest power station in the U.S., during periods when young salmon and steelhead migrate to the ocean. The hydropower turbines pose a threat to the fish.

The Justice Department, representing the National Marine Fisheries Service, Army Corps of Engineers and Bureau of Reclamation, had argued that requiring such operations would cause electricity rates to spike and could threaten the reliability of the electrical grid.

The ruling stems from a years-long battle over the nearly 100-year-old hydropower system along the Columbia and Snake rivers. Conservation groups and tribes with treaty fishing rights want the system altered and operated to benefit wildlife, including calling for the removal of four dams along the Snake River. As part of that litigation, the federal agencies are also working on an environmental impact statement for the system that has been the subject of congressional fights, with Rep. Cathy McMorris Rodgers (R-Wash.) filing a measure (H.R. 3144) to void that process, and Democratic lawmakers coming out in opposition.

WHAT'S NEXT: Unless they successfully appeal the decision, the federal agencies will need to release water over the top of dams beginning this spring. The ongoing environmental impact statement process will continue.

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The Most Powerful Lobbyist in Trump's Washington [Back](#)

By Theodoric Meyer | 04/02/2018 05:02 AM EDT

When Brian Ballard signed the lease last year for an office on the second floor of the Homer Building, a downtown Washington edifice that's home to a number of lobbying firms, he promised himself he would stay in the space for five years. He lasted one. In February, his firm, Ballard Partners, moved into a bigger office on the fourth floor to accommodate the new lobbyists Ballard has hired since the election of one of his former clients, President Donald Trump.

At the firm's first staff meeting in the new offices, Ballard and five of his Washington lobbyists sat in new leather chairs around a small conference table, with Ballard at the head. Robert Wexler, a former Democratic congressman from Florida whom Ballard hired last year, phoned in from Paris with an update on the firm's work for the Turkish government. Jamie Rubin, a former assistant secretary of state in the Clinton administration, called from Brussels and updated Ballard on a meeting he'd had with Moise Katumbi, an exiled opposition leader from the Democratic Republic of the Congo, who's a client.

"You'll be happy to hear that we signed the Maldives today," Syl Lukis, another Ballard lobbyist, told Rubin.

"Let's fire away quickly on Kosovo and Turkey," Ballard said. (The government of Kosovo is another Ballard client.)

Other Ballard lobbyists gave updates on their meetings with Trump administration officials and other work on behalf of the dozens of clients they represent in Washington, including Amazon, Dish Network, Uber, Pernod Ricard (the makers of Jameson whiskey and Absolut vodka) and Trulieve (a Florida-based medical marijuana company). Rebecca Benn, a former congressional staffer Ballard hired last year, updated Ballard and another lobbyist, Susie Wiles, on a meeting she'd set up for a client. "They were very, very happy — thank you, Susie — for the meeting at the White House last week," Benn said. "It went very, very well."

Ballard is a veteran Florida lobbyist who's been in Washington for barely a year — the blink of an eye in an industry in which many of the top practitioners have spent decades inside the Beltway. But Ballard is closer to

the president than perhaps any other lobbyist in town. He's parlayed that relationship into a booming business helping clients get their way with the Trump administration — and his clients and even some of his rivals say his firm has a better grasp of what's going on in the West Wing than almost anyone else on K Street. Ballard was one of the top fundraisers in the country for Trump's campaign and continues to raise millions for his reelection campaign. Wiles, one of his top lieutenants, ran Trump's campaign in Florida and delivered the nation's biggest swing state to the president.

Ballard's relationship with Trump has helped him solve a lucrative puzzle that has frustrated more established players. For all of the president's "drain the swamp" rhetoric, the new administration has given corporate America and its lobbyists the opportunity to revive dreams of tax cuts, regulatory rollbacks and rule changes that were mothballed during the Obama administration. But Trump also presents a challenge for the influence business — a White House in which key positions at least initially were as likely to be staffed by Trump loyalists as by old Washington hands with ties to K Street. Ballard has helped to bridge the gap. He's a Trump-friendly out-of-towner who can connect with the establishment — he is a close ally of Senator Marco Rubio as well as Charlie Crist, the former centrist Republican governor of Florida who is now a Democratic congressman — and make corporate clients comfortable.

Ballard isn't the only person in Trump's orbit who decided to try his or her luck in Washington. Campaign veterans from Corey Lewandowski, Trump's fired-but-never-forgotten campaign manager, on down have flocked to "the swamp" to lobby the administration — or, in Lewandowski's case, to offer clients a glimpse into Trump's thought process without actually registering to lobby. But Ballard appears to have landed the biggest fish. He has signed more than 60 clients since setting up shop in Washington after Trump's inauguration, including blue-chip companies like American Airlines and Sprint. Those clients paid Ballard nearly \$10 million last year for help navigating Trump's first year in office. (Those numbers don't include the \$3.1 million the firm says it brought in representing foreign clients such as Turkey and the Dominican Republic.)

"He's the only guy that's done it," said Robert Stryk, a lobbyist who runs in the same circles as some former Trump campaign hands and moved to Washington himself after the election. (Stryk's company, SPG, bills itself as a "private diplomacy" firm rather than a traditional lobbying shop.)

Lobbyists at some of Washington's established firms are quick to praise Ballard, but they also wonder how long his success can last, given the unique nature of the Trump administration. There are risks to building a shop around one principal's relationships. The now-defunct firms of Ed Gillespie, who was one of Washington's most powerful lobbyists during George W. Bush's administration, or Tony Podesta, who thrived under Barack Obama, might be regarded as cautionary tales. "Brian is building a strong Washington office, but the question is what happens when the circus leaves town," one Republican lobbyist with close ties of his own to the administration told me.

Unlike Lewandowski, who hasn't been able to resist boasting about his relationship with Trump as he hustles for clients, Ballard has taken pains to avoid the appearance of cashing in on his relationship with the president. He refuses to speak on the record about how often he talks with the president. But his clients say he's been able to figure out how the Trump administration works in a way no one else has. For now, at least, it's working for him.

Trump called Ballard in the days before he announced he would run for president. The two men have known each other for nearly 30 years. Ballard met Trump after picking up a copy of *The Art of the Deal* in the 1980s. He read the book and was so struck by it that he wrote Trump a letter telling him how much he'd enjoyed it. "I loved the idea of 15-minute meetings," Ballard told me years later. "That's one of the things in the book that still stands out to me." He later told the *Orlando Sentinel* that he didn't believe in meetings that lasted any longer. Trump wrote "this beautiful letter" back, Ballard says, and they kept in touch.

Ballard ended up working on and off as Trump's Florida lobbyist, helping the Trump Organization negotiate state and local government when issues came up with Trump's Doral golf club. A decade before Trump announced his presidential run, Ballard helped orchestrate a fundraiser in 2005 at Trump Tower in Manhattan for Crist's campaign for Florida governor. "A friend told me about his record," Trump told the *St. Petersburg Times* at the time, referring to Crist. "I checked him out. I met him, I liked him, and I said I could help."

Ballard, like most of Florida's Republican establishment, backed Jeb Bush in the primary, but when Trump called he offered to do what he could for his client. In September, as it became clear that Trump's lead in the polls wasn't going away, Ballard dispatched Wiles to New York to meet with Trump. Wiles was named the Trump campaign's Florida co-chairwoman a few weeks later.

It took months for Ballard himself to come around to Trump. He jumped ship first to Rubio's campaign and signed on with Trump only once it was clear he would be the Republican nominee. But once he was in, Ballard proved a valuable asset. Florida is home to lots of wealthy Republican donors, and Ballard knew most of them after raising money for John McCain and Mitt Romney's presidential campaigns. Trump named Ballard his Florida finance chairman, and Ballard raised millions for his campaign. He spoke with Trump often and traveled on the campaign plane with him. The effort also put him in close touch with Reince Priebus, the Republican National Committee chairman who would be tapped as White House chief of staff, and Steven Mnuchin, the campaign's finance chairman, who's now treasury secretary. Trump spent more time in Florida in the general election than in any other state. And "whenever we did an event in Florida I was there," Ballard said.

Ballard watched the election returns come in with Lukis at an apartment he keeps in Manhattan. They didn't know whether Trump would win — although Wiles later said she was confident he would pull it off — but they hoped he'd at least carry Florida. When it became clear Trump would become president, they high-fived and walked over to the victory party. The calls from clients started the next day. "To say they were freaking out is absolutely maybe even an understatement," Wiles said.

Some Trump campaign hands almost immediately began trying to figure out whether they would be working in the new administration or lobbying it. Ballard, who was raising money for the inaugural committee, moved more slowly, waiting to open his Washington office until after the inauguration. (His firm began representing a half dozen federal clients before Trump took office, according to disclosure filings, but Ballard says he didn't do any lobbying until later). Within three months of the inauguration, though, Ballard had signed two dozen clients, not just Amazon and American Airlines, but also Prudential and the GEO Group, a private prison operator.

Many early clients were companies Ballard already represented in Florida. Those clients beget more clients. "We started representing Dish [Network]," Ballard said. "They referred us to MGM, who referred us to H&R Block, who's referring us to another client right now." Signing high-profile corporate clients helped Ballard lobbyists get meetings with Trump administration officials, which helped him snag more clients. No one screened Ballard's calls during his first months in Washington, so he ended up turning away some "squirrely" would-be clients himself: people who wanted to lobby the State Department to buy their patents, bitcoin speculators, people with "some really weird gold issues." "If it's anyone who says I want to pay you to set up a meeting with the president or whatever, we just say no out of hand," Ballard said. "We end that conversation. We don't do that stuff."

Ballard isn't the only Washington lobbyist who has a personal relationship with Trump. Dave Urban, a veteran lobbyist who helped Trump carry Pennsylvania, is also widely believed to be close to the president. But Ballard's clients say many other Republican lobbyists in town haven't figured out how to negotiate the Trump administration more than a year into his presidency.

"I'll be very honest about this: I still don't feel this town has caught up," Richard Haselwood, a lobbyist for one of Ballard's clients, the tobacco giant Reynolds American, said one night in February as he sipped a martini.

Ballard, Wiles and I, along with a couple of other Ballard lobbyists, had met Haselwood for drinks at Mastro's, a steakhouse across the street from Ballard's Washington office (and three blocks east of the White House) that's become enough of a haunt for Ballard lobbyists that they've started to learn the names of the waitresses.

Congressman Matt Gaetz dropped by the table, cocktail in hand. Gaetz, a baby-faced freshman from Florida, is closer to Trump than most House Republicans. He's flown on Air Force One and is a frequent presence defending Trump on Fox News, CNN and MSNBC, which has gotten the president's attention. Gaetz has bragged that Trump sometimes calls him when he gets off the air. But even Gaetz sometimes needs help from Ballard lobbyists to get what he wants from the West Wing. "Even as a friend of the president who speaks frequently with the president, sometimes I have to call Susie Wiles to get my way," he said.

Haselwood was one of a number of lobbyists for Ballard's Florida clients who urged him in the weeks after the election to consider setting up shop in Washington. Reynolds American, like other big companies, was struggling to figure out how to negotiate what would soon be Trump's Washington. Haselwood recalled Ballard being mobbed at the Republican Governors Association meeting in Orlando the week after the election. "Everyone is down there," he said. "No one knew what was going on. Brian came in and people were, like, rushing to him."

Ballard has helped clients like Reynolds map out who's really calling the shots in Trump's administration, where aides and even Cabinet members can be influential one week and out of favor the next. "Brian jumped in and jumped in big, and I'm thrilled," Haselwood added. "I'd feel naked without him."

Ballard spent nearly two decades figuring out how to dine and golf with Florida's governors without abusing his relationships with them. He told the *St. Petersburg Times* a decade ago that he avoided lobbying Crist unless the governor's staffers were present. "I don't sneak it in while we're shooting the breeze," Ballard told the paper. "It doesn't work that way. It would be gross."

He grew up in Delray Beach, Florida, one of six children raised by a single mother. He got his start in politics at 24, when he took time off from law school to work as a travel aide and driver to Tampa Mayor Bob Martinez, a Republican waging a long-shot campaign for governor. When Martinez won, Ballard moved to Tallahassee to work for him and traded in his 1980 Toyota Tercel for a silver BMW. By the time the *Orlando Sentinel* profiled him in 1990, Ballard was the governor's chief of staff and had just married Kathryn Smith, the daughter of Florida Secretary of State Jim Smith, in what another newspaper called "Tallahassee's wedding of the year." (George Steinbrenner, a future Ballard client, was a guest.) The *Sentinel* profile recounted Ballard yukking it up on the phone with Jeb Bush — who was chairman of Martinez's reelection campaign — and described him as the "brat-savant of Florida politics."

Martinez lost reelection in 1990 to Lawton Chiles, a Democrat, and Ballard stuck around Tallahassee as a lobbyist. It wasn't an easy time to start out as a Republican lobbyist: Democrats held majorities in both chambers of the Florida Legislature and the governorship. But Republicans won control of the Florida Senate in 1994 and took the House two years later. And in 1998, Ballard's old pal Jeb Bush was elected governor.

A few weeks after the election, the *Ledger* of Lakeland, Florida, reported that Ballard's firm — called Smith, Ballard, Bradshaw and Logan at the time — had something other Tallahassee lobbying firms "only wish they could claim: an undeniably special relationship with Bush that is being cautiously defended." Ballard brashly told the paper his firm had no more access to Bush than anyone else. "Anyone who thinks that when they are hiring us they have secured some special niche in the administration is wrong and should save their money," Ballard said. "Don't hire us. Go somewhere else."

Despite his protestations at the time, Ballard proved remarkably successful over the next two decades at cultivating friendships with Florida's Republican governors. He was an early supporter of Crist's successful campaign to succeed Bush. When Rick Scott, a former hospital executive, beat the candidate Ballard was backing in the Republican primary to replace Crist, Ballard hustled to win him over, raising enough money for Scott's general-election campaign that Scott named him chairman of his inaugural committee after he won. Ballard also hired the woman who'd managed Scott's dark-horse campaign: Wiles, who would help Trump win Florida six years later. Mac Stipanovich, a longtime Republican lobbyist in Florida who hired Ballard to work on the Martinez campaign three decades ago, said Ballard has had "private, mansion-dinner relationships with every governor of Florida since" Bush. (The two men remain friends even though Stipanovich claims to "hate Trump worse than a snake.")

Ballard is 56, with a tanned face and slightly sandy brown hair. He splits his time between Tallahassee, New York and Washington these days, but he retains something of a Florida air about him. When I met him at his office one morning in January, he wore a blue suit, a bright white shirt open at the collar and loafers. Lobbyists who know Ballard in Florida say he can be intensely competitive, but in person he's warm and laughs easily. Unlike many other Washington lobbyists, he doesn't seem like he's trying to ingratiate himself with you.

"I think the fastest way to get shut out is to start talking about who you can influence and who you can't influence," Lukis, a Ballard managing partner who moved to Washington after the election to open the new office, said over breakfast one morning at the Old Ebbitt Grill. "I don't even like the word 'influence.' I'm not trying to influence anybody. What I'm trying to do is to have input into the ultimate decision-making process that's being made regarding the issue that we're working on. And I'd just as soon talk to a staffer than I would the secretary, because I think ultimately if you can get the staff to agree with you, 98 percent of the time you're probably going to get the secretary to agree with you."

If Ballard hadn't helped to elect Trump, it's easy to imagine he might be one of the many Republican lobbyists in Washington who aren't enamored of the president. He's raised money and professed admiration over the years for several Republicans who have been harsh Trump critics: Jeb Bush, John McCain, Mitt Romney. He's occasionally even given to Democrats, including his old friend Crist, who became an independent during his failed Senate campaign in 2010 and is now a Democratic congressman. "Brian is a fairly moderate Republican, I think I would say," Crist said when I asked him what it was like to be on the other of the partisan divide from Ballard. "So it's fine." He laughed.

Ballard has taken criticism from Republicans who would have rather seen Hillary Clinton elected than Trump. It's cost him friendships. After the "Access Hollywood" tape came out late in the campaign, he said, "I can recall a very active Republican that I was trying to get to help at an event after that asking me if I was ashamed of myself." No, not at all, he replied. "No one's going to be fooled by electing Donald Trump," he told me. "He is what he is."

If he didn't know Trump, he might have ended up as a Trump critic rather than a supporter, he told me. "But I know him," he said.

Ballard's relationship with Trump isn't all that different from the bonds that hundreds if not thousands of lobbyists in Washington have with members of Congress they used to work for. Like Ballard, many lobbyists help sustain those relationships by giving money and hosting fundraisers for their old bosses' reelection campaigns. The difference is that Ballard's relationship is with the president of United States. Lobbyists and former campaign big shots such as Lewandowski had it particularly easy in the first months of the administration, before John Kelly replaced Priebus as chief of staff and cracked down on outside access to Trump. "You were walking in, you were having dinner," said a lobbyist for one of Ballard's clients, who estimated Ballard talks with Trump every few weeks. "It was like dealing with a Senate office or a small-time governor."

Ballard won't talk about what he does for his clients, for the most part. He made an exception for his work on behalf of Katumbi, the exiled Congolese opposition leader. Katumbi, who fled the Democratic Republic of the Congo in 2016 to avoid being thrown in prison by President Joseph Kabila, hired Ballard to help persuade the Trump administration to pressure Kabila to allow him to return. Ballard, Lukis and Katumbi met with a deputy to Nikki Haley, the U.S. ambassador to the United Nations, in October before Haley traveled to the Democratic Republic of the Congo, and Haley forcefully called for the country to hold elections this year on her trip.

Not all of Ballard's foreign clients are as sympathetic. Ballard signed a contract with the Turkish government worth \$125,000 a month on May 11, days before Turkish President Recep Tayyip Erdogan's security guards beat up peaceful protesters outside Turkey's embassy, according to a Justice Department filing. Another filing shows Ballard met several times with administration officials on Turkey's behalf, including Sean Cairncross, a senior adviser to the White House chief of staff, and Matt Mowers, a State Department official who worked on Trump's campaign.

Domestic lobbying filings don't require the same level of disclosure, and Ballard's are especially lacking in detail. But they give a sense of the scope of his lobbying efforts. Ballard Partners has lobbied nearly two dozen federal agencies, from the Treasury Department to the Army Corps of Engineers, as well as the White House, Vice President Mike Pence's office and Congress. Ballard and his partners pulled in \$550,000 last year lobbying the White House and the Justice Department for the GEO Group, the private-prison operator, which won the administration's first immigrant-detention contract in April, less than three months after signing Ballard. He lobbied the Office of the U.S. Trade Representative on behalf of LG, the South Korean electronics manufacturer, and two solar-panel installation companies as the administration considered whether to slap tariffs on imported washing machines and solar panels. And he started lobbying the White House for Crowley Maritime, a Florida shipping company, four days after the administration waived the Jones Act in an effort to speed the delivery of hurricane relief to Puerto Rico. Thomas Crowley, the company's chief executive, told the Washington Post at the time that waiving the Jones Act — which requires shipments between U.S. ports to be carried on American-flagged vessels — wouldn't help relief efforts. The Jones Act, Crowley added, "is very important to our company and America's shipping industry." Trump allowed the waiver to lapse days later.

The staff at Ballard Partners remains small, at least compared with how much money Ballard is pulling in. The firm had just six registered lobbyists handling domestic work in the fourth quarter of 2017, when it took in \$3.6 million. That made it the No. 17 firm in Washington, ahead of many long-established firms, according to a POLITICO analysis of lobbying disclosure filings. Peck Madigan Jones, the No. 16 lobbying firm by revenue, had twice that many lobbyists.

Ballard insists he wants to build a firm that will outlast Trump, but some lobbyists are skeptical that he'll succeed. If Trump leaves before his term is finished or fails to win reelection, "I would imagine there would be significant drop-off" in Ballard's business, a prominent Democratic lobbyist said. "Because it's a straight Trump play."

Still, Ballard wouldn't be the first state-level lobbyist to make a permanent leap to Washington. The Denver law firm Brownstein Hyatt Farber Schreck, for instance, opened a Washington office in 1995 and is now the No. 2 lobbying shop in town by revenue. Norm Brownstein, the chairman of the firm's board, told me he admires what Ballard has achieved so far, before adding, "I believe as long as [Trump] is president, he will have a great practice."

Ballard's fundraising prowess means he'll remain valuable to Trump at least through 2020, the lobbyist for one of Ballard's clients told me. Washington lobbyists, of course, have hosted fundraisers and given money as a way of ingratiating themselves with lawmakers for decades. But relatively few lobbyists are raising serious money for Trump, whom many Republicans on K Street freely disparage in private. Ballard is one of only three

lobbyists who's a vice chairman of the Republican National Committee's fundraising committee. "He's a ferocious fundraiser. I mean, if that coffee cup could give money," Wiles told me over coffee one morning, gesturing toward a mug on the table.

Stipanovich, Ballard's old friend in Florida, said he was willing to make a prediction: Ballard, unlike other Trump campaign veterans who have come to Washington, will be in business long after Trump is out of office. "When Trump is gone, Lewandowski might as well buy a bed-and-breakfast in Vermont," Stipanovich said. "But not Brian."

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Trump administration sues California over state law on federal land transfers [Back](#)

By Josh Gerstein | 04/02/2018 03:25 PM EDT

The legal war between the Trump administration and the state of California expanded Monday as the Justice Department sued to block a new state law that limits transfers of federal lands.

The suit, filed in federal court in Sacramento on Monday, contends that the state law is unconstitutional because it interferes with Congress' right to control the sale of federal property.

California's Legislature adopted the law last October at the urging of environmentalists concerned that the Trump administration was readying plans to sell off federal land for real estate development, mining or drilling.

The [new suit](#) was filed by the Justice Department less than a month after the federal government sued California over three other state laws widely viewed as enacting "sanctuary" policies aimed at blocking aggressive immigration enforcement by the Trump administration.

That suit grabbed headlines, but lawyers for the state and attorneys for the federal government have been battling in court for months over more than two dozen lawsuits California Attorney General Xavier Becerra has brought on issues ranging from the president's so-called travel ban to rollbacks of birth control coverage under Obamacare to efforts to ban transgender people from serving in the military.

Justice Department officials expressed frustration Monday with the tactics California's legislators and Gov. Jerry Brown have used to register their disagreement with Trump policies.

"California has, once again, passed an extreme statute found in no other state to obstruct the federal government, this time by interfering with the conveyance of federal lands," acting Associate Attorney General Jesse Panuccio told reporters. "This is another example of California ignoring federal law. No state legislature can, statute by statute, undermine the rule of law and the U.S. Constitution."

In a statement, Attorney General Jeff Sessions said California officials are not only ignoring the Constitution, but also the very terms under which California became a state in 1850.

"California was admitted to the Union upon the express condition that it would never interfere with the disposal of federal land," Sessions said. "The Justice Department shouldn't have to spend valuable time and resources to

file this suit today, but we have a duty to defend the rightful prerogatives of the U.S. military, the Interior Department and other federal agencies."

A Justice Department official said he and his colleagues aren't singling out California but are responding to an unprecedented series of legal provocations from the state.

"To the extent it looks like we're focusing on California, that is really a product of the extreme nature of the laws California is passing in recent days," said the official, who spoke on condition of anonymity. "They are passing laws no other state is passing or has thought to pass and that's because they're unconstitutional."

Justice Department officials said they did not discuss legal concerns about the bill with the state before the suit was filed Monday. They said, however, that state officials are well aware of the legal problems, because the state Legislature's official analysis of the bill issued prior to its passage noted a "strong possibility" that the measure would be found unconstitutional.

Becerra vowed to defend the California law, and he said the state will continue its aggressive legal campaign against Trump policies.

"California didn't become our nation's economic engine and the sixth-largest economy in the world by just sitting back," the California attorney general said in a statement. "Our public lands should not be on the auction block to the highest bidder. We're prepared, as always, to do what it takes to protect our people, our resources, and our values."

The state law, known as Senate Bill 50, requires that the California State Lands Commission have right of first refusal on any land transfer planned by the federal government. Federal officials say the law has already scuttled or bogged down planned transfers of several federal properties to developers, often under plans that were the subject of extensive negotiation with local officials.

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'It sucks': Senators fume over McConnell's tight grip [Back](#)

By Burgess Everett | 04/02/2018 05:00 AM EDT

Republican John Kennedy has served in the Senate a full 15 months — and not once received a roll call vote on one of his legislative amendments.

"I think it sucks," the Louisiana senator fumed as Congress headed home in March for a two-week recess. The Senate has voted on only six amendments this year.

"All I hear is, 'Well, it's not done that way,'" Kennedy said of his call for a more robust debate of ideas on the Senate floor. "Well, the way we've been doing it for a long time sucks."

When Mitch McConnell took over as majority leader in 2015 after years in the minority, he vowed to make good on a central campaign pledge of returning to a more "free-wheeling" Senate. And in the early days of his tenure, he did: McConnell presided over open, raucous floor debate on the Keystone XL Pipeline, winning praise even from some Democrats.

But the Senate has reverted to form. The body has taken just 25 roll call votes on so-called binding amendments so far during this two-year Congress, a sharp decrease from the 154 amendments voted on by this point during the 114th Congress under Barack Obama. Each year since McConnell took over, the Senate has voted on fewer nonbudget amendments: 140 in 2015, 57 in 2016, 19 in 2017 and six so far this year.

"There's a lot of weeks I'm not sure why I show up," said Sen. Chris Murphy (D-Conn.).

The number of amendment votes is a key barometer of the amount, if not the quality, of debate in the Senate. And the Senate's increasingly lackluster debate, after McConnell promised the opposite, underscores both the limits to his power as majority leader and the pitfalls of making promises while in the minority of how different things would be if he were in charge.

The paucity of votes was caused in part by McConnell's strategy of pursuing a partisan agenda in 2017 that didn't need Democratic support. But it also reflects a lack of cooperation between the two Senate leaders. Don Stewart, a spokesman for McConnell, said the Kentucky Republican "can and does make it easy" for senators to vote on amendments, but he blamed Senate Minority Leader Chuck Schumer (D-N.Y.) for adopting then-Majority Leader Harry "Reid's anti-amendment strategy" of shielding vulnerable senators from tough votes.

The figures in this story are based on a POLITICO analysis that encompasses amendments proposed by individual senators but that excludes repeat votes on individual amendments. It also leaves out amendments to budget resolutions, which don't become law and can't be limited by the majority leader.

McConnell can boast that he's held three budget debates during his tenure as majority leader, with votes on 106 nonbinding amendments; Democrats repeatedly shirked writing a budget under Reid. But those amendments are effectively messaging proposals. And McConnell's budgets were all intended to set up partisan votes on repealing Obamacare or overhauling the tax code while skirting Democrats' filibuster. He does not intend to pass a budget this year.

Overall, the Senate under President Donald Trump is beginning to resemble the last two years of a Democratic majority in 2013 and 2014, when Reid (D-Nev.) was accused by one Republican of running the Senate like a "plantation."

In the previous decade, under both Democratic and Republican majorities, the Senate regularly voted on 300 or more binding and nonbinding amendments, according to the Congressional Research Service.

But now, "Democrats didn't want to vote on amendments when they were in the majority, and they really don't want to vote on amendments in the minority," Stewart said.

Schumer spokesman Matt House said McConnell has failed to uphold his pledges to open up the debate process.

"The numbers don't lie. The fact is that Sen. McConnell has repeatedly blocked amendment votes on the few pieces of legislation we've considered in the Senate," House said.

There's blame to go around on both sides: A truly open process requires the cooperation of all 100 senators; a single obstinate lawmaker can consume hours or days of floor time.

And distrust is now so high among senators that some members won't allow a vote on a colleague's amendment unless they get one on theirs.

"We've sort of degenerated into [this] situation," said Senate Majority Whip John Cornyn (R-Texas). "We're not very good at self-restraint."

Further curbing floor time is the fact that the Senate, unlike the House, has to spend months each year confirming nominees. So if Democrats use Senate rules to delay nominees, Republicans say it becomes almost impossible to use the floor for legislation and amendments.

"One of the frustrating things is, in my efforts to get bills to the Senate floor, the answer is often: 'We've got to get these confirmations complete,'" said Sen. Jerry Moran (R-Kan.).

Of course, the Senate rarely works on Fridays and takes regular recesses, another culprit for the lack of amendment votes.

The lack of debate is chafing at senators, particularly newer members who have never gotten an up-or-down vote on their proposals.

"What amendment process?" asked Sen. Catherine Cortez Masto (D-Nev.). "I am being told by my colleagues that are senior here that this is not regular order. But it is becoming regular order."

Senators are also writing fewer amendments, according to research from James Wallner, a fellow at the right-leaning R Street Institute and a former director of the conservative Republican Steering Committee. Through September, senators filed just 1,090 amendments, putting the chamber on pace to introduce far fewer than the 5,125 amendments in the preceding two-year Congress.

When a massive omnibus spending bill came up this month, senators had been conditioned to simply assume there would be no amendments. The package dropped days before the government was set to shut down, and by the time it arrived in the Senate there was no opportunity to change anything without risking a funding lapse.

Some Republicans are discussing reforms to the Senate that could conceivably ease the gridlock. One idea would eliminate one of two available filibuster opportunities on spending bills. Another would slash the number of hours a nominee can be delayed.

Some Republicans say McConnell sometimes gets frustrated when he can't get Democrats to work with him on opening up debate. But on other occasions, they say, the Republican leader seems happy to have the chamber under his thumb on critical issues like government funding.

"There are times where I suspect the leader wants to be able to control," said Sen. Mike Rounds (R-S.D.). "But there have been a number of times where he's said we're trying to do an open amendment process."

McConnell says "he wants to get out of this [standoff] and feels stuck with it," said Sen. James Lankford (R-Okla.).

Wallner sees thing differently. The decline in amendments and debate, he said, "is entirely on McConnell."

Two episodes this year underscore the Senate's long fall from the heights of 2015, when McConnell eclipsed Reid's 2014 amendment total in a matter of weeks. On a banking deregulation bill in March, liberal senators were eager to amend a bill they hated, with Sen. Elizabeth Warren (D-Mass.) preparing more than a dozen changes.

But those votes could have poisoned the compromise struck by Republicans and moderate Democrats, while putting vulnerable Democrats up for reelection in a tight spot. In the end, there was no open amendment process.

In February, McConnell promised Democrats an open immigration debate after they agreed to provide votes to reopen the government a month earlier. He kept his word by allowing immigration legislation on the floor, but the chamber sat in quorum calls — literally doing nothing as senators' names were read aloud — while some senators negotiated privately.

Four immigration proposals received votes at the end of the week, and all four failed. It was the most votes on amendments the chamber had taken since December.

In both instances, spokesmen for McConnell and Schumer blamed the other leader. But many senators are sick of the finger-pointing.

"I was worn out after that 13-minute immigration debate," Kennedy said sarcastically. "I had to go take a nap."

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Trump blasts DOJ, FBI, news media, Amazon, Mexico [Back](#)

By Matthew Nussbaum | 04/02/2018 11:18 AM EDT

President Donald Trump kicked off the week with a string of inflammatory tweets in which he called the Justice Department and FBI an "embarrassment to our country," slammed the news media, continued his assaults on the retail-giant Amazon, and declared DACA "dead."

The outburst came as Trump returned to Washington to a relatively quiet week, with Congress away. Some in the White House viewed the attacks as an outgrowth of that unfilled time.

"He definitely seems to have that anxiousness that comes with boredom," one White House official said.

Trump opened Monday morning where he left off on Easter Sunday, accusing Mexico of not doing enough to stop illegal immigration.

"Mexico has the absolute power not to let these large 'Caravans' of people enter their country. They must stop them at their Northern Border, which they can do because their border laws work, not allow them to pass through into our country, which has no effective border laws," Trump wrote. "Congress must immediately pass Border Legislation, use Nuclear Option if necessary, to stop the massive inflow of Drugs and People. Border Patrol Agents (and ICE) are GREAT, but the weak Dem laws don't allow them to do their job. Act now Congress, our country is being stolen!"

He quickly added: "DACA is dead because the Democrats didn't care or act, and now everyone wants to get onto the DACA bandwagon... No longer works. Must build Wall and secure our borders with proper Border legislation. Democrats want No Borders, hence drugs and crime!"

Democrats quickly cried foul.

"Time and time again, the President has walked away from bipartisan proposals that are exactly what he asked for," said Drew Hammill, an aide to House Minority Leader Nancy Pelosi. "When an agreement to protect the Dreamers is reached, it will be despite this President rather than with his leadership."

"I think these are so wildly off base and not based in reality that they're best left to speak for themselves," quipped a Democratic Senate aide.

In another tweet, Trump said Mexico was "making a fortune on NAFTA" and said U.S. "border laws" are "pathetic."

Trump ended last year the DACA program, which provides work permits and protection from deportation for some people who entered the country illegally as minors, but the courts have blocked its elimination for now. Bipartisan attempts to codify DACA failed, and Trump has offered varying positions on the issue.

Immigration wasn't the only thing on Trump's mind, and it appeared his tweets were driven by morning cable news coverage.

"So funny to watch Fake News Networks, among the most dishonest groups of people I have ever dealt with, criticize Sinclair Broadcasting for being biased," Trump wrote. "Sinclair is far superior to CNN and even more Fake NBC, which is a total joke."

That missive seemed to be a response to coverage of Sinclair's directing local broadcasters to read a message denouncing mainstream press coverage as unfair.

As he ticked through his favorite topics, retail giant Amazon was next on the list.

"Only fools, or worse, are saying that our money losing Post Office makes money with Amazon," Trump wrote. "THEY LOSE A FORTUNE, and this will be changed. Also, our fully tax paying retailers are closing stores all over the country...not a level playing field!"

Trump has upped his attacks on Amazon in recent days, which is led by Jeff Bezos, who also owns the Washington Post, another frequent target of Trump's ire. He has not offered any evidence that Amazon costs the U.S. Postal Service money, and Amazon provides a significant amount of business for the agency.

Next up was the Justice Department and the FBI.

"So sad that the Department of 'Justice' and the FBI are slow walking, or even not giving, the unredacted documents requested by Congress. An embarrassment to our country!" Trump wrote.

He did not specify which documents he was referencing, but House Republicans recently subpoenaed the DOJ for its records relating to the probe of Hillary Clinton's private email server, with Judiciary Committee Chairman Bob Goodlatte (R-Va.) citing "ongoing delays" in the process. The move comes amid intensifying criticisms among Republican leaders of the Justice Department and FBI's handling of the Clinton investigation.

In response to the legal maneuvering, FBI director Christopher Wray last week announced that the bureau would double the number of staffers reviewing documents from 27 to 54 to comply with requests from GOP officials.

Burgess Everett and Heather Caygle contributed to this report.

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White House appears to shift explanation on whether Shulkin resigned or was fired [Back](#)

By Andrew Restuccia | 04/02/2018 01:13 PM EDT

The White House appears to be shifting its explanation about the departure of former Veterans Affairs Secretary David Shulkin, now saying he was offered "the opportunity to resign" after previously saying that he "resigned from his position."

The changing narrative comes as Shulkin has refused to go quietly, saying he was fired and accusing the White House of politically knifing him.

"I came to Washington with the commitment to make our system work better for veterans. That's the commitment that I went to work every day. I continue to feel strongly about that. There was no reason why I would resign," Shulkin said in an interview on CNN on Monday, adding that he was fired as a result of President Donald Trump's tweet last week announcing his replacement.

The dispute raises the stakes in an obscure, but potentially consequential debate over Trump's ability to appoint Shulkin's replacement. Trump bypassed Shulkin's deputy when naming his interim successor, which potentially ran afoul of the Federal Vacancies Reform Act of 1998. That law gives the president broad authority to temporarily fill a vacancy at a federal agency with an acting official only if the current office holder "dies, resigns, or is otherwise unable to perform the functions and duties of the office."

On Friday, White House deputy press secretary Lindsay Walters said in a statement, "Secretary Shulkin resigned from his position as Secretary of the Department of Veterans Affairs."

But on Monday, White House director of strategic communications Mercedes Schlapp said during an interview on Fox News that White House chief of staff John Kelly gave Shulkin an "opportunity to resign" from the job.

"General Kelly called Secretary Shulkin and gave him the opportunity to resign. Obviously the key here is that the president has made a decision," Schlapp said. "He wanted a change in the Department of Veterans Affairs. He felt it was time."

Schlapp was then pressed by Fox News reporter Abby Huntsman, who said, "So he didn't resign. So we can clear that up. It was more of a decision made by the president. He knew a change needed to be made, and he made that change."

Schlapp replied, "It was as I said, Gen. Kelly offered him the opportunity to resign. At this point, the president said it was time to move on in terms of Veterans Affairs. He thanks Secretary Shulkin for his service."

A White House spokeswoman did not respond to a request for comment about the apparent discrepancy.

Shulkin and the White House had been at odds for months over whether to move toward wider privatization of veterans' health care — a move Shulkin opposed. He also got in hot water over a VA inspector general report that accused Shulkin and his wife of improperly accepting Wimbledon tickets and using staff to arrange sightseeing visits during a business trip to Denmark and England last summer.

Shulkin has since made a series of media appearances, saying the White House did not allow him to defend himself and treated him unfairly. He also is now stating that he did not and would not have resigned.

The back-and-forth stemmed from a Saturday POLITICO story detailing the potential complications of Trump's decision to appoint Defense Department official Robert Wilkie as the acting leader of the department, bypassing Shulkin's deputy, who also has a rocky relationship with the White House.

Some legal experts note that the Vacancies Act does not explicitly grant the president authority to hand-pick replacements in the case of firings.

That could make Trump's decision to appoint Wilkie, the undersecretary of defense for personnel and readiness, as acting VA secretary a potential test of the president's authorities under the act. And it could lead to potential legal challenges if Wilkie stays on as acting secretary for an extended period of time while the Senate considers Trump's nominee to permanently hold the position, White House physician Ronny Jackson.

Louis Nelson contributed to this report.

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